

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
: FINAL DECISION AND ORDER
KIRSTEN D. PETERSON, M.D., :
RESPONDENT. : **ORDER 0006255**

Division of Legal Services and Compliance Case No. 18 MED 679

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

Kirsten D. Peterson, M.D.
284 Sandpiper Lane
Grand Forks, ND 58201

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent Kirsten D. Peterson, M.D. (DOB April 14, 1961), is licensed in the state of Wisconsin to practice medicine and surgery, having license 37385-20, first issued on January 12, 1996, with registration current through October 31, 2019. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 284 Sandpiper Lane, Grand Forks, North Dakota 58201.

2. Respondent resides and practices medicine in North Dakota, and currently has no plan or desire to practice in Wisconsin.

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3. On August 20, 2008, Respondent entered into a Physician Health Program agreement (PHP agreement) with the North Dakota State Board of Medical Examiners (North Dakota Board) because of relapses with alcohol use and being impaired while on duty at a clinic in North Dakota. One term of the PHP agreement was that she would not ingest alcohol.

4. On April 21, 2009, the North Dakota Board issued a disciplinary complaint against Respondent and issued an *ex parte* order of temporary suspension of her license because she violated her PHP agreement by ingesting alcohol.

5. On November 20, 2009, the North Dakota Board indefinitely suspended Respondent's license due to Respondent's habitual use of alcohol.

6. On August 18, 2010, the Board issued Order 0000345 which indefinitely suspended Respondent's license and imposed limitations and conditions related to Respondent's use of alcohol.

7. On May 3, 2011, the Board granted a stay of the suspension and allowed Respondent to work as long as she complied with all the limitations and conditions of its previous Order.

8. On November 18, 2011, the North Dakota Board issued an Order that restored Respondent's license without practice limitations but with the condition that Respondent participate in a PHP agreement for a period of five years.

9. On March 18, 2016, the North Dakota Board restored Respondent's license to unconditional status because Respondent has successfully fulfilled all conditions of the previous North Dakota Order.

10. On March 28, 2016, the Board returned Respondent's license to full unrestricted status.

11. On May 17, 2018, Respondent entered into a non-practice agreement with the North Dakota Board due to Respondent's continued habitual use of alcohol.

12. On November 16, 2018, the North Dakota Board issued an Order that indefinitely suspended Respondent's license.

13. On March 22, 2019, the North Dakota Board reinstated Respondent's license and required Respondent to participate indefinitely with the North Dakota Professional Health Program (NDPHP) and abide by the conditions outlined in her employer's November 28, 2018 letter.¹

14. Respondent did not timely report North Dakota Board's 2018 disciplinary actions to the Board.

¹ The NDPHP is the North Dakota corollary of the Department's Professional Assistance Program. Wis. Admin. Code ch. SPS 7.

15. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

2. By the conduct described in the Findings of Fact, Respondent Kirsten D. Peterson, M.D. engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the board any final adverse action taken against the licensee's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.

3. By the conduct described in the Findings of Fact, Respondent Kirsten D. Peterson, M.D. engaged in unprofessional conduct as defined by Wis. Admin. Code § Med 10.03(3)(c) by having any credentialing pertaining to the practice of medicine and surgery or any act constituting the practice of medicine and surgery become subject to adverse determination by any agency of this or another state, or by any federal agency or authority.

4. As a result of the above conduct, Kirsten D. Peterson, M.D., is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. Respondent Kirsten D. Peterson, M.D., is REPRIMANDED.
3. The license to practice medicine and surgery in Wisconsin of Kirsten D. Peterson, M.D., (license number 37385-20) is LIMITED as follows:
 - a. Respondent is to maintain full and complete compliance with all terms, limitations, and conditions imposed against her medical license by the North Dakota Board.
 - b. Respondent shall provide the Board with a copy of any document issued by the North Dakota Board which alters the conditions of Respondent's continued practice of medicine in North Dakota, including any document advising reinstatement of full licensure.
 - c. A determination by the North Dakota Board that Respondent has violated any term, limitation, and/or condition imposed on her North Dakota medical license, is deemed a violation for purposes of the Board.
 - d. Upon Respondent providing proof sufficient to the Board, or its designee, that she has successfully complied with all terms and conditions

of the March 22, 2019 Order of North Dakota Board and her license has been restored to full, unrestricted status, the Board or its designee shall issue an Order removing the limitation on Respondent's license.

4. In the event Respondent wishes to practice medicine and surgery in the state of Wisconsin while any terms, limitations, and/or conditions remain imposed against her North Dakota medical license, Respondent shall do the following no less than ninety (90) days prior to the proposed starting date of any such practice:

a. Provide the Board, or its designee, with the practice name, location, scope, and name of her immediate supervisor at every proposed workplace in Wisconsin; and

b. Provide the Board, or its designee, with a letter from her primary treater(s) under the North Dakota Professional Health Program describing Respondent's participation in the program since March 22, 2019, and her prognosis at the time of the letter.

5. Upon providing the Board with the information required under para. 4, Respondent agrees the Board may, in its discretion, issue an order which conditions her Wisconsin medical license by imposing the same or similar terms imposed on Respondent's North Dakota medical license at the time, and any other terms the Board deems necessary to protect the patients and public of Wisconsin.

6. Within 90 days from the date of this Order, Kirsten D. Peterson, M.D., shall pay COSTS of this matter in the amount of \$430.00.

7. Any submissions required under this Order and payment of costs (made payable to the Wisconsin Department of Safety and Professional Services) shall be sent to the Department Monitor at the address below:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 267-3817; Fax (608) 266-2264
DSPSMonitoring@wisconsin.gov

You may also submit payment online via DSPS' Monitoring Case Management System, here: <https://app.wi.gov/DSPSMonitoring>

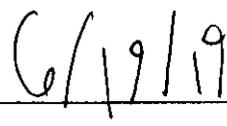
8. In the event Respondent violates any term of this Order, Respondent's license (no. 37385-20), or Respondent's right to renew his license, may, in the discretion of the Board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of the Order. The Board may, in addition and/or in the alternative refer any violation of this Order to the Division of Legal Services and Compliance for further investigation and action.

9. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By:

_____ 
A Member of the Board

_____ 
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

KIRSTEN D. PETERSON, M.D.,
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0006255

Division of Legal Services and Compliance Case No. 18 MED 679

Respondent Kirsten D. Peterson, M.D. and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

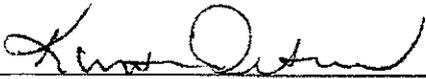
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of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

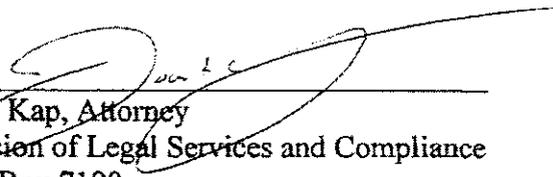
7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Kirsten D. Peterson, M.D., Respondent
284 Sandpiper Ln
Grand Forks, ND 58201
License no. 37385-20

6-4-19
Date



Joost Kap, Attorney
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

6/7/19
Date